S.B. CR.MISC.BAIL APPLICATION NO.2265/2007.
Suresh @ Kallu Vs. State
Date of order : 10/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri R.P. Vijay for the petitioner.
Shri S.N. Gupta P.P. for the State.

******

Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner argued that the allegation against the petitioner is that he was having an unlicensed arm though without cartridges and the learned court of sessions rejecting his bail application only on the ground that the investigation was still pending. Now, the investigation has been completed and the challan against the accused has been filed. The alleged offence is under Section 3/25 of the Arms Act which is punishable with three years imprisonment and is exclusively triable by a Magistrate of Ist Class. The petitioner is in jail since 11/2/2007.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of this case but taking into consideration the facts and circumstances of the case and the fact that petitioner is in confinement since 11/2/2007, I deem it appropriate to enlarge the petitioner on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Suresh @ Kalu S/o Babu Lal shall be released on bail in F.I.R. No.53/2007 P.S. Dadabari, Kota subject to his furnishing a personal bond in the sum of Rs.20,000/- together with two sureties in the sum of Rs.10,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil